

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION, Plaintiff-Applicant, v. BERNARD L. MADOFF INVESTMENT SECURITIES LLC, Defendant.	Adv. Pro. No. 08-01789 (CGM) SIPA Liquidation (Substantively Consolidated)
In re: BERNARD L. MADOFF, Debtor.	
IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC, and Bernard L. Madoff, Plaintiff, v. MERRILL LYNCH BANK (SUISSE) SA, n/k/a BANK JULIUS BÄR & CO. AG a/k/a BANK JULIUS BAER & CO. LTD., Defendant.	Adv. Pro. No. 11-02910 (CGM)

[PROPOSED] ORDER

WHEREAS, on October 7, 2022, Plaintiff Irving H. Picard, trustee for the liquidation of Bernard L. Madoff Investment Securities LLC and the substantially consolidated estate of Bernard L. Madoff filed the amended complaint (the “Amended Complaint”) in the above-captioned adversary proceeding;

WHEREAS, on November 21, 2022, Merrill Lynch Bank (Suisse) SA, defendant in the above-captioned adversary proceeding filed a motion seeking an Order dismissing the Amended Complaint (the “Motion to Dismiss”); and

WHEREAS, on April 19, 2023, the Court held a hearing on the Motion to Dismiss (the “Hearing”); and

WHEREAS, the Court has considered the arguments made by counsel at the Hearing and all papers filed in support of and in opposition to the Motion to Dismiss;

NOW THEREFORE, IT IS HEREBY ORDERED that, for the reasons set forth in the Motion to Dismiss and by the Court on the record of the Hearing, the Motion to Dismiss is granted, and the Complaint is dismissed with prejudice.